

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 2003 - 0042

[1]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,
THE CHIEF DEPUTY DIRECTOR, OR THE
CHIEF OF THE DIVISION OF FINANCIAL ASSISTANCE
OF THE STATE WATER RESOURCES CONTROL BOARD (SWRCB OR BOARD) TO MAKE
CERTAIN PRELIMINARY
FINANCIAL ASSISTANCE COMMITMENTS

[2]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,
THE CHIEF DEPUTY DIRECTOR, OR THE
CHIEF OF THE DIVISION OF ADMINISTRATIVE SERVICES TO
EXECUTE CERTAIN FINANCIAL ASSISTANCE CONTRACTS AND AMENDMENTS

[3]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR TO RESOLVE CERTAIN
CONTRACTUAL DISPUTES

WHEREAS:

1. The State Water Resources Control Board wishes to delegate authority to execute financial assistance contracts and amendments pursuant to the Clean Water Bond Laws of 1970, 1974, 1978, and 1984; the Clean Water and Water Conservation Bond Law of 1978; the Water Conservation and Water Quality Bond Law of 1986; the Clean Water and Water Quality Bond Law of 1988, the federal Clean Lakes Program; the Safe Clean Reliable Water Supply Act of 1996 (Prop 204); the Costa-Machado Water Act of 2000 (Prop 13); the Watershed, Clean Beaches, and Water Quality Act (Prop 40); the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Prop 50) (collectively referred to as the Bond Acts); and section 319(h) of the Clean Water Act;
2. Many financial assistance approvals scheduled for consideration at Board meetings are routine and are noticed as non-controversial items on the agenda. For the orderly and efficient management of such programs, it is appropriate and desirable to delegate to the Chief of the Division of Financial Assistance the authority to approve and issue preliminary commitments for routine loans, grants, installment sales agreements, and other such financial assistance contracts that are consistent with internal policies and any applicable agreements with federal agencies, that do not exceed the funds available, and that do not raise significant issues requiring consideration at a Board meeting. It is likewise appropriate and desirable to delegate the authority to execute contracts for such financial assistance contracts to the Executive Director, the Chief Deputy Director, and the Chief of the Division of Administrative Services; and
3. For the orderly and efficient administration of such contracts, it is desirable to designate appropriate staff to make a final agency determination concerning any dispute arising out of such contracts or relating to the performance thereof.

THEREFORE BE IT RESOLVED:

1. That the State Water Resources Control Board (SWRCB) hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Financial Assistance to make preliminary financial assistance commitments for loans, grants, installment sales agreements, and other such financial assistance contracts for routine, noncontroversial projects that are (1) consistent with those policies, regulations, and agreements that the SWRCB has adopted or will adopt governing the internal management of those financial assistance projects managed by the Division of Financial Assistance, and (2) on a priority funding list adopted by the SWRCB;
2. That the SWRCB hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services, to execute, for and on behalf of the SWRCB, contracts and amendments described herein and to perform all acts and to do all things necessary and convenient to implement such contracts. This delegation shall be limited to approval of the execution of contracts and amendments with municipalities and other eligible applicants for financial assistance if (1) the SWRCB has approved a preliminary financial assistance commitment at a Board meeting, or (2) a preliminary financial assistance commitment has been approved pursuant to Therefore No. 1;
3. That the Executive Director, Chief Deputy Director, the Chief of the Division of Administrative Services, and the Chief of the Division of Financial Assistance are directed in exercising the authority vested in them by this resolution, without restricting the authority specified, to bring to the attention of the Board Members at workshop or by other appropriate communication any matters that are of a unique, controversial, or unusual nature or that appear to depart from the policies of the SWRCB;
4. That except as otherwise specifically provided by the SWRCB, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the SWRCB for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the SWRCB is a party;
5. That this authorization shall not be construed to eliminate the necessity of required approval or concurrence of any other state agency;
6. That the Chiefs of the Division of Administrative Services and the Division Financial Assistance may redelegate their responsibilities herein to an Assistant Division Chief authorized to act in the Division Chief's absence;
7. To the extent this resolution is inconsistent with Resolution 2002-0105, this resolution supersedes Resolution 2002-0105; and
8. That this authorization shall remain in full force and effect until modified or revoked by the SWRCB.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 2003.



Debbie Irvin
Clerk to the Board